

Notice of Allowability

Application No.

10/733,532

Examiner

Daniel M. Sullivan

Applicant(s)

SALE ET AL.

Art Unit

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Paper filed 2 August 2007.
2. ☒ The allowed claim(s) is/are 1-12,15,16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/3/07, 8/31/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aric Ledford on 2 October 2007.

The application has been amended as follows:

In the specification:

Amend the paragraph on page 1, after the title of the application as follows:

--This application is a continuation of International application number PCT/GB02/02688, filed June 11, 2002, which claims priority to U.S. Application Serial Nos. 10/146,505, filed May 15, 2002, now U.S. Patent No. 7,122,339, and 09/879,813, filed June 11, 2001, now abandoned, all of which are incorporated herein by reference in their entirety.--

Amend the hyperlinks at page 19, line 2 as follows:

-- http://www.miltenyibiotec.com--

-- http://www.amcell.com--

Amend the hyperlink at page 19, line 23 as follows:

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-- ~~http://www.arl.arizona.edu/facs/~~--

Amend the hyperlink at page 62, line 17 as follows:

-- ~~http://www.mrc-cpe.cam.ac.uk~~--

In the claims:

Cancel claims 17-31.

Amend claims 1, 4, 15 and 16 as follows:

1. (Currently amended) A method for preparing a cell line exhibiting directed constitutive hypermutation of a target nucleic acid region, comprising screening a cell population for ongoing target sequence diversification, wherein said screening comprises determining the mutation rate of the target nucleic acid region relative to the mutation rate of a non-target nucleic acid region, and selecting a cell in which the rate of target nucleic acid mutation exceeds ~~that the rate of non-~~target nucleic acid region-mutation by a factor of 100 or more, wherein the rate of mutation in the cell line is modulated by genetic manipulation of one or more DNA repair genes, and wherein said genetic manipulation is selected from the group consisting of gene deletion, conversion, and insertion.

4. (Currently amended) A method according to claim 1, wherein the cell line expresses the target nucleic acid region in a manner that facilitates selection of cells comprising mutants of said target nucleic acid region.

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15. (Currently amended) A method according to claim 1, wherein said one or more DNA repair genes are Rad51 analogues and/or paralogues.

16. (Currently amended) A method according to claim 1, wherein the DNA repair genes are selected from the group consisting of Rad51b, Rad51c and analogues and/or paralogues thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Sullivan whose telephone number is 571-272-0779. The examiner can normally be reached on Monday through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, Ph.D. can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel M. Sullivan/
Primary Examiner
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